

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ABBY RIOS,

Plaintiff,

v.

WAL-MART STORES, INC.,

Defendant.

Case No. 2:11-CV-01592-KJD-GWF

ORDER

Presently before the Court is Defendant's Second Motion in Limine (#150). Plaintiff filed a response in opposition (#153). Defendant seeks to limit evidence of Wal-Mart's financial condition. Plaintiff does not oppose that motion. Therefore, the motion to exclude evidence of Wal-Mart's financial condition is granted.

Further, Defendant seeks to exclude evidence of witness Tim Wagner's felony conviction. The parties agree that no evidence of Wagner's 1997 conviction should be admitted. However, Wagner has a more recent 2011 conviction for Felon in Possession of a Firearm. Pursuant to Federal Rule of Evidence 609(a)(1)(A), the conviction must be admitted subject to Rule 403. Here, the danger of potential prejudice weighs in favor of the court limiting reference to the conviction as "illegal possession of a firearm." Since the 2011 conviction does not directly go to the witness's

1 character for truthfulness, as a fraud conviction would, limiting the description of his 2011 felony
2 conviction lessens the danger of prejudice. Therefore, the Court grants Defendant's motion.

3 Accordingly, IT IS HEREBY ORDERED that Defendant's Second Motion in Limine (#150)
4 is **GRANTED**.

5 DATED this 4th day of September 2015.

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Kent J. Dawson
United States District Judge